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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Animesh Mishra § Group Art Unit: 2617
Serial No.: 09/216,483 §
Filed: December 18, 1998 §
For: Remotely Controlling Electronic § Examiner: Naghmeh Mehrpour
Devices § Atty. Dkt. No.: ITL.0138US
(P6506)

Mail Stop **Appeal Brief**
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

TRANSMITTAL OF AMENDED APPEAL BRIEF

Dear Sir:

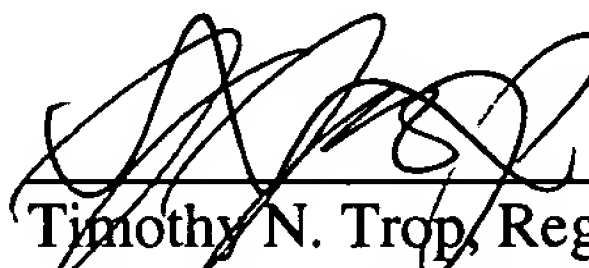
In response to the Notification of Non-Compliant Appeal Brief, attached hereto is an Amended Appeal Brief.

The Appeal Brief has been updated from the format in use at the time of its submission to the current format. The Amended Appeal Brief is therefore believed to be in compliance.


No fee is believed to be due with this response. However, the Commissioner is authorized to charge any fee due to Deposit Account No. 20-1504 (ITL.0138US).

Respectfully submitted,

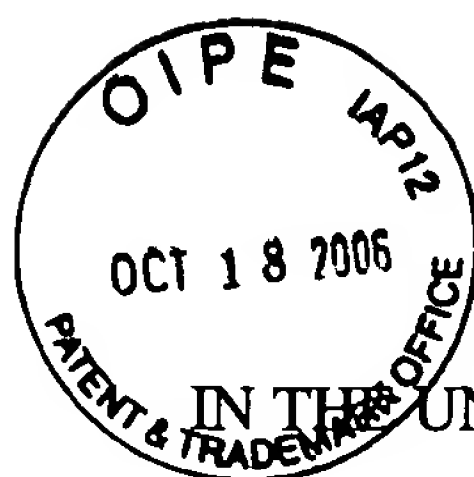
Date: October 16, 2006



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Nancy Meshkoff



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Applicant:

Animesh Mishra

Serial No.: 09/216,483

Filed: December 18, 1998

For: Remotely Controlling Electronic
Devices

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Art Unit: 2617

Examiner: Naghmeh Mehrpour

Atty Docket: ITL.0138US
(P6506)

Assignee: Intel Corporation

Mail Stop **Appeal Brief-Patents**
Commissioner for Patents
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APPEAL BRIEF

Date of Deposit: October 16, 2006

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Nancy Meshkoff

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REAL PARTY IN INTEREST

The real party in interest is the assignee Intel Corporation.

RELATED APPEALS AND INTERFERENCES

None.

STATUS OF CLAIMS

Claims 1-6 (Canceled).
Claims 7-18 (Rejected).
Claim 19 (Canceled).
Claims 20-21 (Rejected).
Claim 22 (Canceled).
Claims 23-25 (Rejected).
Claim 26 (Canceled).
Claims 27-29 (Rejected).

Claims 7-18, 20-21, 23-25, and 27-29 are rejected and all but claim 15 are the subject of this Appeal Brief.

STATUS OF AMENDMENTS

All amendments have been entered.

SUMMARY OF CLAIMED SUBJECT MATTER

In the following discussion, the independent claims are read on one of many possible embodiments without limiting the claims:

7. A remote control system for an electronic device comprising:

a first device (Figure 1, 12) including a processor (Figure 7, 100) and a radio frequency transceiver (Figure 7, 132) and an infrared transceiver (Figure 7, 130), said processor arranged to control said infrared and radio frequency transceivers (specification at page 14, line 27 to page 15, line 2 and line 24 to page 16, line 11);

a remote control unit (Figure 1, 18) including a device to remotely control an electronic device and a telephone unit to enable remote communications with a telephone network, said remote control unit communicating with said first device (specification at page 4, lines 6-14); and

said telephone unit (Figure 2, 18) including a detector (Figure 2, 27) to detect a carrier frequency of a proximate wireless telephone, said telephone unit being tunable to automatically tune to the carrier frequency of the proximate wireless telephone (specification at page 7, lines 10-27; page 12, line 22 to page 13, line 26).

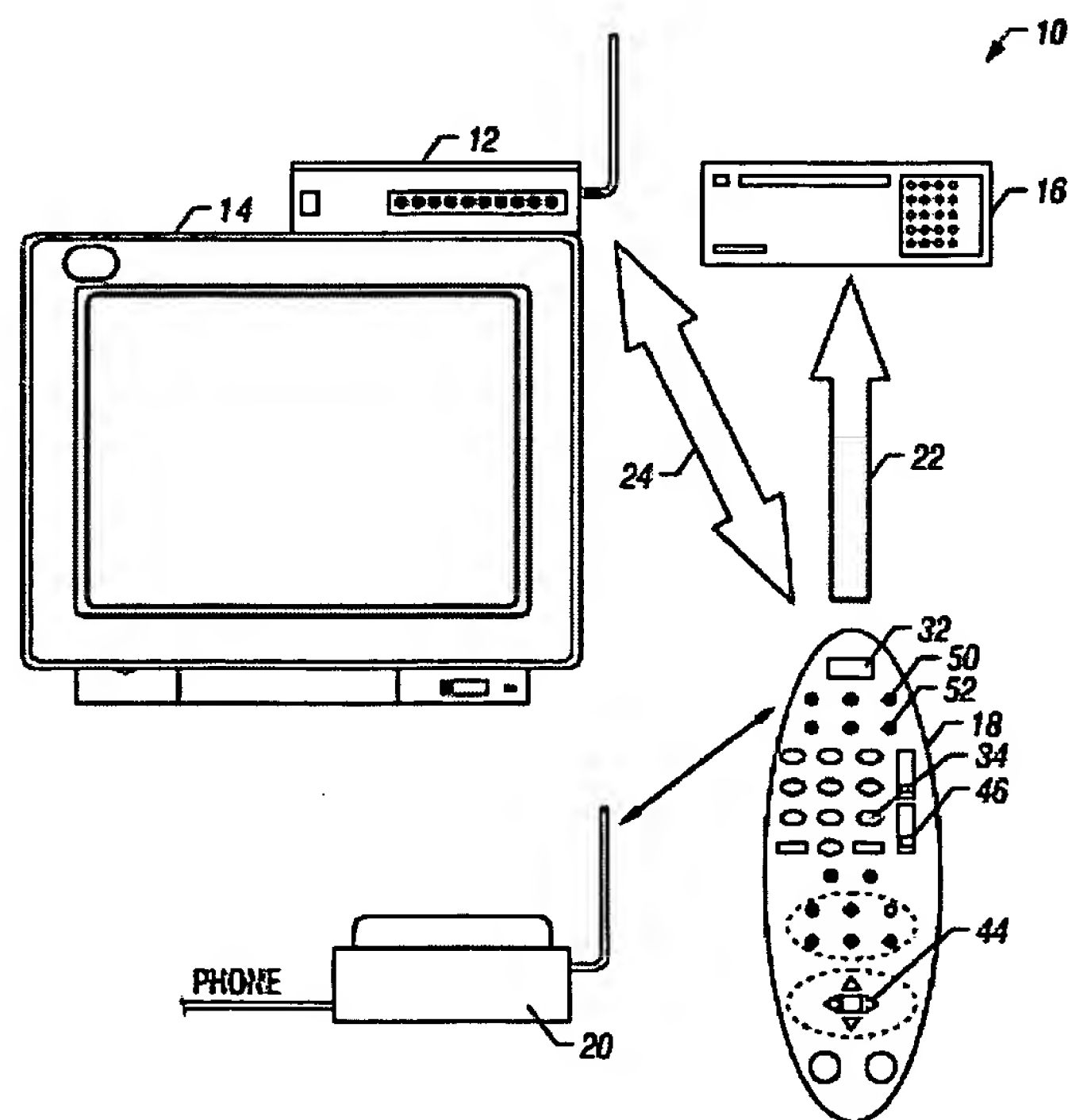


FIG. 1

8. The remote control system of claim 7 wherein said telephone unit (Figure 2, 18) includes a radio frequency transceiver (Figure 2, 30) adapted to remotely communicate with said telephone network (specification at page 4, lines 6-27).

9. The remote control system of claim 8 wherein said transceiver is tunable to the carrier frequency used by another wireless telephone (specification at page 12, line 22 to page 13, line 26).

16. A method of completing a telephone call comprising:
enabling a user to control an electronic device (Figure 1, 14) using a remote control unit (Figure 1, 18);
receiving a signal from a proximate wireless telephone (Figure 1, 20);
determining the carrier frequency of the proximate wireless telephone (specification at page 7, lines 10-27); and
tuning the remote control unit to the carrier frequency so that the user can receive a telephone call through the remote control unit (specification at page 7, lines 10-27).

20. An article comprising a medium for storing instructions that enable a processor-based system to:
enable a user to control an electronic device (Figure 1, 14) using a remote control unit (Figure 1, 18);
determine the carrier frequency of a proximate wireless telephone (Figure 1, 20) (specification at page 7, lines 10-27); and
in response to determining the carrier frequency of a proximate wireless telephone, tune the remote control unit to the carrier frequency so that the user can receive a telephone call through the remote control unit (specification at page 7, lines 10-27).

23. The article of claim 20 including instructions that cause a processor based system to use the carrier frequency of another wireless telephone (specification at page 12, line 22 to page 13, line 20).

25. The article of claim 20 including instructions that cause a processor based system to receive infrared command signals in one format and to transmit infrared command signals in a second format (specification at page 15, lines 14-16).

At this point, no issue has been raised that would suggest that the words in the claims have any meaning other than their ordinary meanings. Nothing in this section should be taken as an indication that any claim term has a meaning other than its ordinary meaning.

GROUND OF REJECTION TO BE REVIEWED ON APPEAL

- A. Whether claims 7-14, 16-18, 20-21, 23-24, and 27-28 are unpatentable under 35 U.S.C. § 103(a) over Yeom (U.S. Patent No. 5,943,625) in view of Welty (U.S. Patent No. 5,109,222).
- B. Whether claims 25 and 29 were properly rejected.

ARGUMENT

A. Are claims 7-14, 16-18, 20-21, 23-24, and 27-29 unpatentable under 35 U.S.C. § 103(a) over Yeom (U.S. Patent No. 5,943,625) in view of Welty (U.S. Patent No. 5,109,222)?

1. Claims 7-8, 10-14, 16-18, 20-21, 24, and 27-29

Claim 7 was rejected over the patent to Yeom under § 103 (Welty was only applied against dependent claims). In Yeom, an electronic device in a remote control unit and a telephone system are provided as a single unit. Thus there is no need for the remote control unit to learn the carrier frequency of a wireless telephone associated with the system. That information is fixed into the device in Yeom upon manufacture.

In contrast, with the present invention, it is possible to use the remote control unit around a variety of different wireless telephone systems. In the present application, the remote control unit learns the carrier frequency of a proximate wireless telephone. It then tunes to that wireless telephone carrier frequency so that the remote control unit can communicate with the proximate wireless telephone. As a result, the user can receive telephone calls on the remote control unit.

Claim 7 calls for a detector to detect a carrier frequency of a proximate wireless telephone, the telephone unit being tunable to automatically tune to the carrier frequency of the proximate wireless telephone. The cited art is not tunable or automatically tunable.

In Yeom the carrier frequency is fixed to work with only a particular telephone. With the present application, the user can simply buy a computer system, for example, use the remote control unit to control the computer system and cause the remote control unit to learn the carrier frequency of the user's pre-purchased wireless telephone system. The remote control unit then automatically tunes to the detected wireless frequency.

In one embodiment set forth in the dependent claims, the ability to learn the carrier frequency of the proximate wireless telephone is aided by causing a page signal to be generated. This page signal may then be detected and used to discern the carrier frequency of the wireless telephone.

The argument set forth in the final office action suggesting that Yeom could “learn” the carrier frequency of another device is wholly unsupportable. Plainly, the rejection is unsubstantiated and should be reversed.

In response to the Appellants’ Brief, the Examiner has amended the rejection of claim 7 to, for the first time, apply the Welty reference. As pointed out in the Appellants’ Brief, the Welty reference was not applied against claim 7 in any of the preceding rejections.

Presumably, upon reviewing the matter, the Examiner appreciated the weakness of the initial final rejection. Nonetheless, the revised final rejection is no better for at least the following reasons. Firstly, the Examiner has made no attempt whatsoever to indicate the required rationale to combine in either of the cited references. Secondly, Welty fails to supply the deficiencies of the cited Yeom reference.

Claim 7 calls for a remote control unit including a device to remotely control an electronic device and a telephone unit to enable remote communication with a telephone network. The telephone unit includes a detector to detect a carrier frequency of a proximate wireless telephone, the telephone unit being tunable to automatically tune to the carrier frequency of the proximate wireless telephone. In the revised final rejection, the Examiner now asserts that Welty teaches the claimed telephone unit.

The amended rejection makes no effort whatsoever to even attempt to posit a rationale to combine from within the references. Therefore, a *prima facie* rejection is not made out on its

face. This reason alone is sufficient to overturn the Examiners' rejection.

Moreover, the Welty reference is inapplicable to the claimed invention in any case. Welty teaches use of a computer means that is provided with "some type of input means" for receiving and storing a code format of each piece of electrically operable equipment. This suggests nothing about detecting "a carrier frequency of a proximate wireless telephone" or a telephone unit "being tunable to automatically tune to the carrier frequency of a proximate wireless telephone". Welty simply teaches a system that interacts with certain existing signals. The claimed invention relates to a wireless device that can detect a carrier frequency and adapt to that carrier frequency so that it can operate as if it were specifically adapted to a system using that carrier frequency. Welty has nothing to do with a wireless system and has nothing to do with adapting to a carrier frequency of a wireless telephone.

Therefore, the combination of Welty plus Yeom is insufficient to support the rejection of claim 7.

It is believed that no other modifications to the final rejection were made in the post appeal brief supplementation from the Examiner. Therefore, the entire original appeal brief is incorporated by reference herein. All previously raised issues and/or arguments are still considered to be relevant.

Therefore, the Appellants' request that the rejections be overturned and that the application be allowed to issue.

2. Claims 9 and 23

Claims 9 and 23 were rejected under § 103 over Yeom et al. alone. Claims 9 and 23 call for the transceiver being tunable to the carrier frequency used by "another wireless telephone." Claim 7 (from which claim 9 depends), for example, calls for automatically tuning to the carrier

frequency of a proximate wireless telephone. Claim 9 calls for the situation where the system tunes to the carrier frequency of a proximate wireless telephone and then subsequently tunes to the carrier frequency of still "another" wireless telephone. The structure shown Yeom et al. is fixed at one particular carrier frequency and thus does not have the structure to carry out the elements of claim 9.

Corresponding language is contained in claim 23.

Claims 9 and 23 patentably distinguish over the Yeom et al. reference and, therefore, the rejection should be reversed.


B. Were claims 25 and 29 properly rejected?

No basis for the rejection of these claims was provided. Therefore, the rejections should be reversed.

Applicant respectfully requests that each of the final rejections be reversed and that the claims subject to this Appeal be allowed to issue.

Respectfully submitted,

Date: October 16, 2006



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CLAIMS APPENDIX

The claims on appeal are:

8. A remote control system for an electronic device comprising:
a first device including a processor and a radio frequency transceiver and an infrared transceiver, said processor arranged to control said infrared and radio frequency transceivers;
a remote control unit including a device to remotely control an electronic device and a telephone unit to enable remote communications with a telephone network, said remote control unit communicating with said first device; and
said telephone unit including a detector to detect a carrier frequency of a proximate wireless telephone, said telephone unit being tunable to automatically tune to the carrier frequency of the proximate wireless telephone.
8. The remote control system of claim 7 wherein said telephone unit includes a radio frequency transceiver adapted to remotely communicate with said telephone network.
9. The remote control system of claim 8 wherein said transceiver is tunable to the carrier frequency used by another wireless telephone.
10. The remote control system of claim 9 wherein said telephone unit includes a device which is automatically tuned to the frequency of another wireless telephone.

11. The remote control system of claim 7 including a repeater for forwarding a wireless transmission received from the first device to said electronic device.

12. The remote control system of claim 7 wherein said first device and said remote control unit are adapted to communicate both by radio frequency and infrared signals.

13. The remote control system of claim 12 wherein said first device and said remote control unit communicate via bidirectional infrared signals and said remote control unit communicates with said electronic device using unidirectional infrared signals.

14. The remote control system of claim 7 wherein said remote control unit is adapted to act as radio frequency transceiver for telephone communications with said first device.

15. The remote control system of claim 7 wherein said first device is a set-top computer system.

16. A method of completing a telephone call comprising:
enabling a user to control an electronic device using a remote control unit;
receiving a signal from a proximate wireless telephone;
determining the carrier frequency of the proximate wireless telephone; and
tuning the remote control unit to the carrier frequency so that the user can receive a telephone call through the remote control unit.

17. The method of claim 16 further including using a processor based system that detects an incoming call and produces an off hook signal.

18. The method of claim 17 further including converting signals from a telephone network into radio frequency signals and transmitting said signals to the remote control unit.

20. An article comprising a medium for storing instructions that enable a processor-based system to:

enable a user to control an electronic device using a remote control unit;

determine the carrier frequency of a proximate wireless telephone; and

in response to determining the carrier frequency of a proximate wireless telephone, tune the remote control unit to the carrier frequency so that the user can receive a telephone call through the remote control unit.

21. The article of claim 20 including instructions that cause a processor based system to prompt for a wireless telephone carrier frequency.

23. The article of claim 20 including instructions that cause a processor based system to use the carrier frequency of another wireless telephone.

24. The article of claim 20 including instructions that cause a processor based system to produce a telephone off hook signal when an incoming call is detected.

25. The article of claim 20 including instructions that cause a processor based system to receive infrared command signals in one format and to transmit infrared command signals in a second format.

27. The article of claim 20 further storing instructions that enable the processor-based system to prompt the user to issue a page from the user's wireless telephone.

28. The method of claim 16 further including prompting the user to issue a page from the user's wireless telephone.

29. The system of claim 7 further including a storage storing instructions that enable the processor to prompt the user to issue a page on the user's wireless telephone.

EVIDENCE APPENDIX

None.

RELATED PROCEEDINGS APPENDIX

None.